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1                               A bill to be entitled  
2       An act relating to the Uniform Interstate Family Support  
3       Act; amending s. 88.1011, F.S.; revising and providing  
4       definitions; amending s. 88.1021, F.S.; designating the  
5       Department of Revenue as the support enforcement agency of  
6       this state; amending s. 88.1031, F.S.; revising provisions  
7       relating to remedies provided by the act; creating s.  
8       88.1041, F.S.; providing for applicability of provisions  
9       to residents of foreign counties and foreign support  
10      proceedings; amending s. 88.2011, F.S.; providing that  
11      specified bases of personal jurisdiction may not be used  
12      to acquire personal jurisdiction for certain purposes  
13      unless specified requirements are met; amending s.  
14      88.2021, F.S.; providing for duration of personal  
15      jurisdiction; deleting provisions relating to procedure  
16      when exercising jurisdiction over nonresident; amending  
17      ss. 88.2031 and 88.2041, F.S.; conforming provisions to  
18      changes made by the act; amending s. 88.2051, F.S.;  
19      revising provisions relating to continuation of exclusive  
20      jurisdiction; amending s. 88.2061, F.S.; providing for  
21      continuing jurisdiction to enforce child support orders;  
22      amending s. 88.2071, F.S.; revising provisions relating to  
23      determination of a controlling child support order;  
24      amending s. 88.2081, F.S.; revising language relating to  
25      child support orders for two or more obligees; amending s.  
26      88.2091, F.S.; revising language relating to credit for  
27      child support payments; creating s. 88.2101, F.S.;  
28      providing for application of the act to a nonresident

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subject to personal jurisdiction; creating s. 88.2111, F.S.; providing for continuing, exclusive jurisdiction to modify a spousal support order; amending s. 88.3011, F.S.; revising provisions relating to applicability of the act; amending ss. 88.3021 and 88.3031, F.S.; revising terminology; amending s. 88.3041, F.S.; revising provisions relating to duties of an initiating tribunal; amending s. 88.3051, F.S.; revising provisions relating to duties and powers of a responding tribunal; amending s. 88.3061, F.S.; revising terminology; amending s. 88.3071, F.S.; revising provisions relating to the duties of a support enforcement agency; amending s. 88.3081, F.S.; providing that the Governor and Cabinet may determine that a foreign country has established a reciprocal arrangement for child support with this state and take appropriate action for notification of the determination; amending s. 88.3101, F.S.; revising terminology; amending s. 88.3111, F.S.; revising provisions relating to pleadings and accompanying documents; amending s. 88.3121, F.S.; revising requirements for nondisclosure of certain information; amending ss. 88.3131 and 88.3141, F.S.; revising terminology; amending s. 88.3161, F.S.; revising provisions relating to special rules of evidence and procedure; amending ss. 88.3171 and 88.3181, F.S.; revising terminology; amending s. 88.3191, F.S.; revising provisions relating to receipt and disbursement of payments; amending s. 88.4011, F.S.; revising provisions relating to establishment of a support order; providing a

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57 directive to the Division of Statutory Revision; amending  
58 s. 88.5011, F.S.; revising provisions relating to an  
59 employer's receipt of an income-withholding order from  
60 another state; amending ss. 88.50211, 88.5031, 88.5041,  
61 and 88.5051, F.S.; revising terminology; amending s.  
62 88.5061, F.S.; revising provisions relating to a contest  
63 by obligor; amending s. 88.5071, F.S.; revising  
64 terminology; providing a directive to the Division of  
65 Statutory Revision; amending s. 88.6011, F.S.; revising  
66 terminology; amending s. 88.6021, F.S.; revising  
67 provisions relating to the procedure to register order for  
68 enforcement; amending s. 88.6031, F.S.; revising  
69 terminology; amending s. 88.6041, F.S.; revising  
70 provisions relating to choice of law; amending s. 88.6051,  
71 F.S.; revising provisions relating to notice of  
72 registration of order; amending s. 88.6061, F.S.; revising  
73 provisions relating to the procedure to contest the  
74 validity or enforcement of a registered order; amending s.  
75 88.6071, F.S.; revising provisions relating to the  
76 contesting of registration or enforcement; amending s.  
77 88.6081, F.S.; revising terminology; amending s. 88.6091,  
78 F.S.; correcting a cross-reference; amending s. 88.6111,  
79 F.S.; revising provisions relating to modification of a  
80 child support order of another state; amending s. 88.6121,  
81 F.S.; revising provisions relating to recognition of a  
82 child support order modified in another state; creating s.  
83 88.6151, F.S.; providing for jurisdiction to modify a  
84 child support order of a foreign county; creating s.

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85        88.6161, F.S.; providing procedures for registration of a  
86        child support order of a foreign country for modification;  
87        providing a directive to the Division of Statutory  
88        Revision; repealing s. 88.7011, F.S., relating to a  
89        proceeding to determine parentage; creating s. 88.70111,  
90        F.S.; providing definitions relating to a support  
91        proceeding under the Convention on the International  
92        Recovery of Child Support and Other Forms of Family  
93        Maintenance; creating s. 88.7021, F.S.; providing for  
94        applicability; creating s. 88.7031, F.S.; specifying the  
95        relationship of the Department of Revenue to the United  
96        States central authority; creating s. 88.7041, F.S.;  
97        providing for initiation by the Department of Revenue of  
98        support proceedings subject to the convention; creating s.  
99        88.7051, F.S.; providing for direct requests to tribunals;  
100        creating s. 88.7061, F.S.; providing for registration of a  
101        support order subject to the convention; creating s.  
102        88.7071, F.S.; providing for contests of the validity of  
103        foreign support orders subject to the convention; creating  
104        s. 88.7081, F.S.; providing for the recognition and  
105        enforcement of a foreign support order subject to the  
106        convention; creating s. 88.7091, F.S.; specifying grounds  
107        for the refusal of recognition and enforcement of foreign  
108        support order subject to the convention; creating s.  
109        88.7101, F.S.; providing requirements for a foreign  
110        support agreement subject to the convention; creating s.  
111        88.7111, F.S.; providing for the modification of a foreign  
112        child support order subject to the convention; creating s.

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88.7121, F.S.; providing jurisdiction to modify a spousal support order of a foreign country; amending s. 88.8011, F.S.; revising terminology; amending s. 88.9011, F.S.; revising provisions relating to the uniformity of application and construction of the act; amending s. 88.9031, F.S.; revising terminology; amending ss. 61.13 and 827.06, F.S.; correcting cross-references; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 88.1011, Florida Statutes, is amended to read:

88.1011 Definitions.—As used in this act:

(1) "Child" means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

(2) "Child support order" means a support order for a child, including a child who has attained the age of majority under the law of the issuing state or foreign country.

(3) "Convention" means the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, concluded at The Hague on November 23, 2007.

(4)~~(3)~~ "Duty of support" means an obligation imposed or imposable by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support.

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141       (5) "Foreign country" means a country, including a  
142 political subdivision thereof, other than the United States,  
143 that authorizes the issuance of support orders and:

144       (a) Which has been declared under the law of the United  
145 States to be a foreign reciprocating country;

146       (b) Which has established a reciprocal arrangement for  
147 child support with this state as provided in s. 88.3081;

148       (c) Which has enacted a law or established procedures for  
149 the issuance and enforcement of support orders which are  
150 substantially similar to the procedures under this act; or

151       (d) In which the convention is in force with respect to  
152 the United States.

153       (6) "Foreign support order" means a support order of a  
154 foreign tribunal.

155       (7) "Foreign tribunal" means a court, administrative  
156 agency, or quasi-judicial entity of a foreign country which is  
157 authorized to establish, enforce, or modify support orders or to  
158 determine parentage of a child. The term includes a competent  
159 authority under the convention.

160       (8)-(4)- "Home state" means the state in which a child lived  
161 with a parent or a person acting as parent for at least 6  
162 consecutive months immediately preceding the time of filing of a  
163 petition or comparable pleading for support and, if a child is  
164 less than 6 months old, the state in which the child lived from  
165 birth with any of them. A period of temporary absence of any of  
166 them is counted as part of the 6-month or other period.

167       (9)-(5)- "Income" includes earnings or other periodic  
168 entitlements to money from any source and any other property

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subject to withholding for support under the law of this state.

(10)~~(6)~~ "Income-withholding order" means an order or other legal process directed to an obligor's employer or other debtor, as defined by the income deduction law of this state, or payor as defined by s. 61.046, to withhold support from the income of the obligor.

~~(7) "Initiating state" means a state from which a proceeding is forwarded or in which a proceeding is filed for forwarding to a responding state under this act or a law or procedure substantially similar to this act, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.~~

(11)~~(8)~~ "Initiating tribunal" means the authorized tribunal ~~in an initiating state~~.

(12) "Issuing foreign country" means the foreign country in which a tribunal issues a support order or a judgment determining parentage of a child.

(13)~~(9)~~ "Issuing state" means the state in which a tribunal issues a support order or renders a judgment determining parentage.

(14)~~(10)~~ "Issuing tribunal" means the tribunal that issues a support order or ~~renders~~ a judgment determining parentage.

(15)~~(11)~~ "Law" includes decisional and statutory law and rules and regulations having the force of law.

(16)~~(12)~~ "Obligee" means:

(a) An individual to whom a duty of support is or is alleged to be owed or in whose favor a support order ~~has been issued~~ or a judgment determining parentage has been issued

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197 ~~rendered;~~

198 (b) A state or political subdivision to which the rights  
199 under a duty of support or support order have been assigned or  
200 which has independent claims based on financial assistance  
201 provided to an individual obligee; ~~or~~

202 (c) An individual seeking a judgment determining parentage  
203 of the individual's child; or

204 (d) A person that is a creditor in a proceeding under part  
205 VII of this chapter.

206 (17)~~(13)~~ "Obligor" means an individual, or the estate of a  
207 decedent that:

208 (a) ~~Who~~ Owes or is alleged to owe a duty of support;

209 (b) ~~Who~~ Is alleged but has not been adjudicated to be a  
210 parent of a child; or

211 (c) ~~Who~~ Is liable under a support order.

212 (18) "Person" means an individual, corporation, business  
213 trust, estate, trust, partnership, limited liability company,  
214 association, joint venture, public corporation, government, or  
215 governmental subdivision, agency, or instrumentality or any  
216 other legal or commercial entity.

217 (19) "Record" means information that is inscribed on a  
218 tangible medium or that is stored in an electronic or other  
219 medium that is retrievable in perceivable form.

220 (20)~~(14)~~ "Register" means to record or file a support  
221 order or judgment determining parentage of a child issued in  
222 another state or a foreign country in the Registry of Foreign  
223 Support Orders of the circuit court, or other appropriate  
224 location for the recording or filing of foreign judgments



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225 ~~generally or foreign support orders specifically.~~

226 (21)~~(15)~~ "Registering tribunal" means a tribunal in which  
227 a support order is registered.

228 (22)~~(16)~~ "Responding state" means a state in which a  
229 proceeding is filed or to which a proceeding is forwarded for  
230 filing from another state or a foreign country ~~an initiating~~  
231 ~~state under this act or a law or procedure substantially similar~~  
232 ~~to this act, the Uniform Reciprocal Enforcement of Support Act,~~  
233 ~~or the Revised Uniform Reciprocal Enforcement of Support Act.~~

234 (23)~~(17)~~ "Responding tribunal" means the authorized  
235 tribunal in a responding state.

236 (24)~~(18)~~ "Spousal-support order" means a support order for  
237 a spouse or former spouse of the obligor.

238 (25)~~(19)~~ "State" means a state of the United States, the  
239 District of Columbia, Puerto Rico, the United States Virgin  
240 Islands, or any territory or insular possession subject to the  
241 jurisdiction of the United States. The term includes:

242 ~~(a) an Indian tribe; and~~

243 ~~(b) A foreign jurisdiction that has enacted a law or~~  
244 ~~established procedures for issuance and enforcement of support~~  
245 ~~orders which are substantially similar to the procedures under~~  
246 ~~this act, the Uniform Reciprocal Enforcement of Support Act, or~~  
247 ~~the Revised Uniform Reciprocal Enforcement of Support Act, as~~  
248 ~~determined by the Attorney General.~~

249 (26)~~(20)~~ "Support enforcement agency" means a public  
250 official or agency authorized to ~~seek~~:

251 (a) Seek enforcement of support orders or laws relating to  
252 the duty of support;

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(b) Seek establishment or modification of child support;  
(c) Request determination of parentage; ~~or~~  
(d) Attempt to locate obligors or their assets; or  
(e) Request determination of the controlling child support  
order.

~~(27)-(21)~~ (27) "Support order" means a judgment, decree, ~~or~~  
order, or directive, whether temporary, final, or subject to  
modification, issued in a state or foreign country for the  
benefit of a child, a spouse, or a former spouse, which provides  
for monetary support, health care, arrearages, retroactive  
support, or reimbursement for financial assistance provided to  
an individual obligee in place of child support. The term, and  
may include related costs and fees, interest, income  
withholding, automatic adjustment, reasonable attorney's fees,  
and other relief.

~~(28)-(22)~~ (28) "Tribunal" means a court, administrative agency,  
or quasi-judicial entity authorized to establish, enforce, or  
modify support orders or to determine parentage.

Section 2. Section 88.1021, Florida Statutes, is amended  
to read:

88.1021 ~~Tribunal of State~~ tribunal and support enforcement  
agency.—

(1) The circuit court or other appropriate court,  
administrative agency, quasi-judicial entity, or combination is  
the tribunal of this state.

(2) The Department of Revenue is the support enforcement  
agency of this state.

Section 3. Section 88.1031, Florida Statutes, is amended

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to read:

88.1031 Remedies cumulative.—

(1) Remedies provided by this act are cumulative and do not affect the availability of remedies under other law, or the recognition of a foreign support order on the basis of comity.

(2) This act does not:

(a) Provide the exclusive method of establishing or enforcing a support order under the law of this state; or

(b) Grant a tribunal of this state jurisdiction to render judgment or issue an order relating to child custody or visitation in a proceeding under this act.

Section 4. Section 88.1041, Florida Statutes, is created to read:

88.1041 Application to resident of foreign county and foreign support proceeding.—

(1) A tribunal of this state shall apply parts I through VI of this chapter, and, as applicable, part VII of this chapter, to a support proceeding involving:

(a) A foreign support order;

(b) A foreign tribunal; or

(c) An obligee, obligor, or child residing in a foreign country.

(2) A tribunal of this state that is requested to recognize and enforce a support order on the basis of comity may apply the procedural and substantive provision of parts I through VI of this chapter.

(3) Part VII of this chapter applies only to a support proceeding under the convention. In such a proceeding, if a

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309 provision of part VII of this chapter is inconsistent with parts  
310 I through VI of this chapter, part VII of this chapter controls.

311 Section 5. Section 88.2011, Florida Statutes, is amended  
312 to read:

313 88.2011 Bases for jurisdiction over nonresident.—

314 (1) In a proceeding to establish, enforce, or modify a  
315 support order or to determine parentage, a tribunal of this  
316 state may exercise personal jurisdiction over a nonresident  
317 individual or the individual's guardian or conservator if:

318 (a)~~(1)~~ The individual is personally served with citation,  
319 summons, or notice within this state;

320 (b)~~(2)~~ The individual submits to the jurisdiction of this  
321 state by consent, by entering a general appearance, or by filing  
322 a responsive document having the effect of waiving any contest  
323 to personal jurisdiction;

324 (c)~~(3)~~ The individual resided with the child in this  
325 state;

326 (d)~~(4)~~ The individual resided in this state and provided  
327 prenatal expenses or support for the child;

328 (e)~~(5)~~ The child resides in this state as a result of the  
329 acts or directives of the individual;

330 (f)~~(6)~~ The individual engaged in sexual intercourse in  
331 this state and the child may have been conceived by that act of  
332 intercourse;

333 (g)~~(7)~~ The individual asserted parentage in a tribunal or  
334 in a putative father registry maintained in this state by the  
335 appropriate agency; or

336 (h)~~(8)~~ There is any other basis consistent with the

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337 constitutions of this state and the United States for the  
338 exercise of personal jurisdiction.

339 (2) The bases of personal jurisdiction set forth in  
340 subsection (1) or in any other law of this state may not be used  
341 to acquire personal jurisdiction for tribunal of this state to  
342 modify a child support order of another state unless the  
343 requirements of s. 88.6111 are met, or, in the case of a foreign  
344 support order, unless the requirements of s. 88.6151 are met.

345 Section 6. Section 88.2021, Florida Statutes, is amended  
346 to read:

347 88.2021 Duration of personal ~~Procedure when exercising~~  
348 ~~jurisdiction over nonresident.~~ Personal jurisdiction acquired by  
349 a tribunal of this state in a proceeding under this act or other  
350 law of this state relating to a support order continues so long  
351 as a tribunal of this state has continuing, exclusive  
352 jurisdiction to modify its order or continuing jurisdiction to  
353 enforce its order as provided by ss. 88.2051, 88.2061, and  
354 88.2111 ~~A tribunal of this state exercising personal~~  
355 ~~jurisdiction over a nonresident under s. 88.2011 may apply s.~~  
356 ~~88.3161 (special rules of evidence and procedure) to receive~~  
357 ~~evidence from another state, and s. 88.3181 (assistance with~~  
358 ~~discovery) to obtain discovery through a tribunal of another~~  
359 ~~state. In all other respects, parts III through VII of this~~  
360 ~~chapter do not apply and the tribunal shall apply the procedural~~  
361 ~~and substantive law of this state, including the rules on choice~~  
362 ~~of law other than those established by this act.~~

363 Section 7. Section 88.2031, Florida Statutes, is amended  
364 to read:

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365 88.2031 Initiating and responding tribunal of state.—Under  
366 this act, a tribunal of this state may serve as an initiating  
367 tribunal to forward proceedings to another state and as a  
368 responding tribunal for proceedings initiated in another state  
369 or a foreign country.

370 Section 8. Section 88.2041, Florida Statutes, is amended  
371 to read:

372 88.2041 Simultaneous proceedings in another state.—

373 (1) A tribunal of this state may exercise jurisdiction to  
374 establish a support order if the petition or comparable pleading  
375 is filed after a petition or comparable pleading is filed in  
376 another state or a foreign country only if:

377 (a) The petition or comparable pleading in this state is  
378 filed before the expiration of the time allowed in the other  
379 state or the foreign country for filing a responsive pleading  
380 challenging the exercise of jurisdiction by the other state or  
381 the foreign country;

382 (b) The contesting party timely challenges the exercise of  
383 jurisdiction in the other state or the foreign country; and

384 (c) If relevant, this state is the home state of the  
385 child.

386 (2) A tribunal of this state may not exercise jurisdiction  
387 to establish a support order if the petition or comparable  
388 pleading is filed before a petition or comparable pleading is  
389 filed in another state or a foreign country if:

390 (a) The petition or comparable pleading in the other state  
391 or the foreign country is filed before the expiration of the  
392 time allowed in this state for filing a responsive pleading

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challenging the exercise of jurisdiction by this state;

(b) The contesting party timely challenges the exercise of jurisdiction in this state; and

(c) If relevant, the other state or the foreign country is the home state of the child.

Section 9. Section 88.2051, Florida Statutes, is amended to read:

88.2051 Continuing exclusive jurisdiction.—

(1) A tribunal of this state has issued ~~issuing~~ a support order consistent with the law of this state has and shall exercise continuing exclusive jurisdiction to modify ~~over~~ a child support order if the order is the controlling order and:

(a) At the time of the filing of a request for modification, ~~As long as~~ this state is ~~remains~~ the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued; or

(b) Even if this state is not the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued, the parties consent in a record or in open court that the tribunal of this state may continue to exercise jurisdiction to modify its order ~~Until all of the parties who are individuals have filed written consents with the tribunal of this state for a tribunal of another state to modify the order and assume continuing exclusive jurisdiction.~~

(2) A tribunal of this state that has issued ~~issuing~~ a child support order consistent with the law of this state may not exercise ~~its~~ continuing, exclusive jurisdiction to modify the order if: ~~the order has been modified by a tribunal of~~

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~~another state pursuant to this act or a law substantially similar to this act.~~

(a) All of the parties who are individuals file consent in a record with the tribunal of this state that a tribunal of another state that has jurisdiction over at least one of the parties who is an individual or that is located in the state of residence of the child may modify the order and assume continuing, exclusive jurisdiction; or

(b) Its order is not the controlling order.

~~(3) If a child support order of this state is modified by a tribunal of another state pursuant to this act or a law substantially similar to this act, a tribunal of this state loses its continuing exclusive jurisdiction with regard to prospective enforcement of the order issued in this state, and may only:~~

~~(a) Enforce the order that was modified as to amounts accruing before the modification;~~

~~(b) Enforce nonmodifiable aspects of that order; and~~

~~(c) Provide other appropriate relief for violations of that order which occurred before the effective date of the modification.~~

(3)(4) If a tribunal of this state shall recognize the continuing exclusive jurisdiction of a tribunal of another state which has issued a child support order pursuant to this act or a law substantially similar to this act which modifies a child support order of a tribunal of this state, tribunals of this state shall recognize the continuing, exclusive jurisdiction of the tribunal of the other state.



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449        (4) A tribunal of this state that lacks continuing,  
450 exclusive jurisdiction to modify a child support order may serve  
451 as an initiating tribunal to request a tribunal of another state  
452 to modify a support order issued in that state.

453        (5) A temporary support order issued ex parte or pending  
454 resolution of a jurisdictional conflict does not create  
455 continuing exclusive jurisdiction in the issuing tribunal.

456        ~~(6) A tribunal of this state issuing a support order~~  
457 ~~consistent with the law of this state has continuing exclusive~~  
458 ~~jurisdiction over a spousal support order throughout the~~  
459 ~~existence of the support obligation. A tribunal of this state~~  
460 ~~may not modify a spousal support order issued by a tribunal of~~  
461 ~~another state having continuing exclusive jurisdiction over that~~  
462 ~~order under the law of that state.~~

463        Section 10. Section 88.2061, Florida Statutes, is amended  
464 to read:

465        88.2061 ~~Enforcement and modification of support order by~~  
466 ~~tribunal having~~ Continuing jurisdiction to enforce child support  
467 order.—

468        (1) A tribunal of this state that has issued a child  
469 support order consistent with the law of this state may serve as  
470 an initiating tribunal to request a tribunal of another state to  
471 enforce; ~~or modify a support order issued in that state.~~

472        (a) The order if the order is the controlling order and  
473 has not been modified by a tribunal of another state that  
474 assumed jurisdiction pursuant to the Uniform Interstate Family  
475 Support Act; or

476        (b) A money judgment for arrears of support and interest

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477 on the order accrued before a determination that an order of a  
478 tribunal of another state is the controlling order.

479 (2) A tribunal of this state having continuing ~~exclusive~~  
480 jurisdiction over a support order may act as a responding  
481 tribunal to enforce ~~or modify~~ the order. ~~If a party subject to~~  
482 ~~the continuing exclusive jurisdiction of the tribunal no longer~~  
483 ~~resides in the issuing state, in subsequent proceedings the~~  
484 ~~tribunal may apply s. 88.3161 (special rules of evidence and~~  
485 ~~procedure) to receive evidence from another state and s. 88.3181~~  
486 ~~(assistance with discovery) to obtain discovery through a~~  
487 ~~tribunal of another state.~~

488 ~~(3) A tribunal of this state which lacks continuing~~  
489 ~~exclusive jurisdiction over a spousal support order may not~~  
490 ~~serve as a responding tribunal to modify a spousal support order~~  
491 ~~of another state.~~

492 Section 11. Section 88.2071, Florida Statutes, is amended  
493 to read:

494 88.2071 Determination ~~Recognition~~ of controlling child  
495 support order.—

496 (1) If a proceeding is brought under this act and only one  
497 tribunal has issued a child support order, the order of that  
498 tribunal controls and must be so recognized.

499 (2) If a proceeding is brought under this act, and two or  
500 more child support orders have been issued by tribunals of this  
501 state or another state with regard to the same obligor and the  
502 same child, a tribunal of this state having personal  
503 jurisdiction over both the obligor and individual obligee shall  
504 apply the following rules and by order shall determine in

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505 ~~determining which order controls to recognize for purposes of~~  
506 ~~continuing, exclusive jurisdiction:~~

507 (a) If only one of the tribunals would have continuing,  
508 exclusive jurisdiction under this act, the order of that  
509 tribunal controls and must be so recognized.

510 (b) 1. If more than one of the tribunals would have  
511 continuing, exclusive jurisdiction under this act, an order  
512 issued by a tribunal in the current home state of the child  
513 ~~controls; and must be so recognized,~~ but

514 2. If an order has not been issued in the current home  
515 state of the child, the order most recently issued controls ~~and~~  
516 ~~must be so recognized.~~

517 (c) If none of the tribunals would have continuing,  
518 exclusive jurisdiction under this act, the tribunal of this  
519 state ~~having jurisdiction over the parties~~ shall issue a child  
520 support order, which controls ~~and must be so recognized.~~

521 (3) If two or more child support orders have been issued  
522 for the same obligor and the same child, upon request of a ~~and~~  
523 ~~if the obligor or the individual obligee resides in this state,~~  
524 a party who is an individual or a support enforcement agency,  
525 ~~may request~~ a tribunal of this state having personal  
526 jurisdiction over both the obligor and the obligee who is an  
527 individual shall ~~to~~ determine which order controls ~~and must be~~  
528 ~~so recognized~~ under subsection (2). The request may be filed  
529 with a registration for enforcement or registration for  
530 modification pursuant to part VI of this chapter, or may be  
531 filed as a separate proceeding ~~must be accompanied by a~~  
532 ~~certified copy of every support order in effect. The requesting~~

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533 ~~party shall give notice of the request to each party whose~~  
534 ~~rights may be affected by the determination.~~

535 (4) A request to determine which is the controlling order  
536 must be accompanied by a copy of every child support order in  
537 effect and the applicable record of payments. The requesting  
538 party shall give notice of the request to each party whose  
539 rights may be affected by the determination.

540 (5) ~~(4)~~ The tribunal that issued the controlling order  
541 under subsection (1), subsection (2), or subsection (3) ~~is the~~  
542 ~~tribunal that~~ has continuing, ~~exclusive~~ jurisdiction to the  
543 extent provided in ss. ~~under s.~~ 88.2051 and 88.2061.

544 (6) ~~(5)~~ A tribunal of this state that ~~which~~ determines by  
545 order which is the identity of the controlling order under  
546 paragraph (2)(a), ~~or~~ paragraph (2)(b), or subsection (3) or that  
547 ~~which~~ issues a new controlling order under paragraph (2)(c)  
548 shall state in that order:

549 (a) The basis upon which the tribunal made its  
550 determination.

551 (b) The amount of prospective support, if any.

552 (c) The total amount of consolidated arrears and accrued  
553 interest, if any, under all of the orders after all payments  
554 made are credited as provided by s. 88.2091.

555 (7) ~~(6)~~ Within 30 days after issuance of an order  
556 determining which is the identity of the controlling order, the  
557 party obtaining the order shall file a certified copy of it in  
558 ~~with~~ each tribunal that issued or registered an earlier order of  
559 child support. A party or support enforcement agency obtaining  
560 ~~who obtains~~ the order that ~~and~~ fails to file a certified copy is

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subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the controlling order.

(8) An order that has been determined to be the controlling order, or a judgment for consolidated arrears of support and interest, if any, made pursuant to this section must be recognized in proceedings under this act.

Section 12. Section 88.2081, Florida Statutes, is amended to read:

88.2081 ~~Multiple~~ Child support orders for two or more obligees.—In responding to ~~multiple~~ registrations, petitions, or comparable pleadings for enforcement of two or more child support orders in effect at the same time with regard to the same obligor and different individual obligees, at least one of which was issued by a tribunal of another state, a tribunal of this state shall enforce those orders in the same manner as if the ~~multiple~~ orders had been issued by a tribunal of this state.

Section 13. Section 88.2091, Florida Statutes, is amended to read:

88.2091 Credit for payments.—A tribunal of this state shall credit amounts collected and credited for a particular period pursuant to any child support order against the amount owed for the same period under any other child support order for support of the same child ~~a support order issued by a tribunal of another state must be credited against the amounts accruing or accrued for the same period under~~ any other child ~~a support order issued by the tribunal of this state, another state, or a foreign country.~~

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589       Section 14. Section 88.2101, Florida Statutes, is created  
590 to read:

591       88.2101 Application of act to nonresident subject to  
592 personal jurisdiction.—A tribunal of this state exercising  
593 personal jurisdiction over a nonresident in a proceeding under  
594 this act, under another law of this state relating to a support  
595 order, or recognizing a foreign support order may receive  
596 evidence from outside this state pursuant to s. 88.3161,  
597 communicate with a tribunal outside this state pursuant to s.  
598 88.3171, and obtain discovery through a tribunal outside this  
599 state pursuant to s. 88.3181. In all other respects, parts III  
600 through VI of this chapter do not apply, and the tribunal shall  
601 apply the procedural and substantive law of this state.

602       Section 15. Section 88.2111, Florida Statutes, is created  
603 to read:

604       88.2111 Continuing, exclusive jurisdiction to modify  
605 spousal support order.—

606       (1) A tribunal of this state issuing a spousal support  
607 order consistent with the law of this state has continuing,  
608 exclusive jurisdiction to modify the spousal support order  
609 throughout the existence of the obligation.

610       (2) A tribunal of this state may not modify a spousal  
611 support order issued by a tribunal of another state or foreign  
612 country having continuing, exclusive jurisdiction over that  
613 order under the law of that state or foreign country.

614       (3) A tribunal of this state that has continuing,  
615 exclusive jurisdiction over a spousal support order may serve  
616 as:

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617        (a) An initiating tribunal to request a tribunal of  
618 another state to enforce the spousal support order issued in  
619 this state; or

620        (b) A responding tribunal to enforce or modify its own  
621 spousal support order.

622        Section 16. Section 88.3011, Florida Statutes, is amended  
623 to read:

624        88.3011 Proceedings under this act.—

625        (1) Except as otherwise provided in this act, this part  
626 article applies to all proceedings under this act.

627        ~~(2) This act provides for the following proceedings:~~

628        ~~(a) Establishment of an order for spousal support or child~~  
629 ~~support pursuant to part IV;~~

630        ~~(b) Enforcement of a support order and income-withholding~~  
631 ~~order of another state without registration pursuant to part V;~~

632        ~~(c) Registration of an order for spousal support or child~~  
633 ~~support of another state for enforcement pursuant to part VI;~~

634        ~~(d) Modification of an order for child support or spousal~~  
635 ~~support issued by a tribunal of this state pursuant to ss.~~

636 ~~88.2031-88.2061;~~

637        ~~(e) Registration of an order for child support of another~~  
638 ~~state for modification pursuant to part VI;~~

639        ~~(f) Determination of parentage pursuant to part VII; and~~

640        ~~(g) Assertion of jurisdiction over nonresidents pursuant~~  
641 ~~to ss. 88.2011-88.2021.~~

642        (2)(3) An individual petitioner or a support enforcement  
643 agency may initiate ~~commence~~ a proceeding authorized under this  
644 act by filing a petition or a comparable pleading in an

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initiating tribunal for forwarding to a responding tribunal or by filing a petition or a comparable pleading directly in a tribunal of another state or a foreign country which has or can obtain personal jurisdiction over the respondent.

Section 17. Section 88.3021, Florida Statutes, is amended to read:

88.3021 Proceeding ~~Action~~ by minor parent.—A minor parent, or a guardian or other legal representative of a minor parent, may maintain a proceeding on behalf of or for the benefit of the minor's child.

Section 18. Section 88.3031, Florida Statutes, is amended to read:

88.3031 Application of law of state.—Except as otherwise provided in ~~by~~ this act, a responding tribunal of this state shall:

(1) ~~Shall~~ Apply the procedural and substantive law, including the rules on choice of law, generally applicable to similar proceedings originating in this state and may exercise all powers and provide all remedies available in those proceedings; and

(2) ~~Shall~~ Determine the duty of support and the amount payable in accordance with the law and support guidelines of this state.

Section 19. Section 88.3041, Florida Statutes, is amended to read:

88.3041 Duties of initiating tribunal.—

(1) Upon the filing of a petition or comparable pleading authorized by this act, an initiating tribunal of this state



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673 shall forward ~~three copies of~~ the petition and its accompanying  
674 documents or a comparable pleading and its accompanying  
675 documents:

676 (a) To the responding tribunal or appropriate support  
677 enforcement agency in the responding state; or

678 (b) If the identity of the responding tribunal is unknown,  
679 to the state information agency of the responding state with a  
680 request that they be forwarded to the appropriate tribunal and  
681 that receipt be acknowledged.

682 (2) If requested by the responding tribunal ~~a responding~~  
683 ~~state has not enacted this act or a law or procedure~~  
684 ~~substantially similar to this act,~~ a tribunal of this state  
685 shall ~~may~~ issue a certificate or other document and make  
686 findings required by the law of the responding state. If the  
687 responding tribunal ~~state~~ is in a foreign country ~~jurisdiction,~~  
688 upon request the tribunal of this state shall ~~may~~ specify the  
689 amount of support sought, convert that amount into the  
690 equivalent amount in the foreign currency under applicable  
691 official or market exchange rate as publicly reported, and  
692 provide any other documents necessary to satisfy the  
693 requirements of the responding foreign tribunal ~~state~~.

694 Section 20. Section 88.3051, Florida Statutes, is amended  
695 to read:

696 88.3051 Duties and powers of responding tribunal.—

697 (1) When a responding tribunal of this state receives a  
698 petition or comparable pleading from an initiating tribunal or  
699 directly pursuant to s. 88.3011 (2) ~~(3)~~, it shall cause the  
700 petition or comparable pleading to be filed and notify the

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petitioner where and when it was filed.

(2) A responding tribunal of this state, to the extent not prohibited ~~otherwise authorized~~ by other law, may do one or more of the following:

(a) Establish ~~Issue~~ or enforce a support order, modify a child support order, determine the controlling child support order, or ~~render a judgment to~~ determine parentage of a child.

(b) Order an obligor to comply with a support order, specifying the amount and the manner of compliance.

(c) Order income withholding.

(d) Determine the amount of any arrearages, and specify a method of payment.

(e) Enforce orders by civil or criminal contempt, or both.

(f) Set aside property for satisfaction of the support order.

(g) Place liens and order execution on the obligor's property.

(h) Order an obligor to keep the tribunal informed of the obligor's current residential address, telephone number, employer, address of employment, and telephone number at the place of employment.

(i) Issue a bench warrant, capias, or writ of bodily attachment for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the bench warrant, capias, or writ of bodily attachment in any local and state computer systems for criminal warrants.

(j) Order the obligor to seek appropriate employment by specified methods.

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(k) Award reasonable attorney's fees and other fees and costs.

(1) Grant any other available remedy.

(3) A responding tribunal of this state shall include in a support order issued under this act, or in the documents accompanying the order, the calculations on which the support order is based.

(4) A responding tribunal of this state may not condition the payment of a support order issued under this act upon compliance by a party with provisions for visitation.

(5) If a responding tribunal of this state issues an order under this act, the tribunal shall send a copy of the order to the petitioner and the respondent and to the initiating tribunal, if any.

(6) If requested to enforce a support order, arrears, or judgment, or modify a support order stated in a foreign currency, a responding tribunal of this state shall convert the amount stated in the foreign currency to the equivalent amount in dollars under the applicable official or market exchange rate as publicly reported.

Section 21. Section 88.3061, Florida Statutes, is amended to read:

88.3061 Inappropriate tribunal.—If a petition or comparable pleading is received by an inappropriate tribunal of this state, the tribunal ~~it~~ shall forward the pleading and accompanying documents to an appropriate tribunal of ~~in~~ this state or another state and notify the petitioner where and when the pleading was sent.

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757 Section 22. Section 88.3071, Florida Statutes, is amended  
758 to read:

759 88.3071 Duties of support enforcement agency.—

760 (1) In a proceeding under this act, a support enforcement  
761 agency of this state, upon request:

762 (a) Shall provide services to a petitioner residing in a  
763 state;

764 (b) Shall provide services to a petitioner requesting  
765 services through a central authority of a foreign country as  
766 described in s. 88.1011(5)(a) or s. 88.1011(5)(d); and

767 (c) May provide services to a petitioner who is an  
768 individual not residing in a state ~~A support enforcement agency~~  
769 ~~of this state, upon request, shall provide services to a~~  
770 ~~petitioner in a proceeding under this act.~~

771 (2) A support enforcement agency that is providing  
772 services to the petitioner as appropriate shall:

773 (a) Take all steps necessary to enable an appropriate  
774 tribunal in this state, ~~or~~ another state, or a foreign country  
775 to obtain jurisdiction over the respondent.

776 (b) Request an appropriate tribunal to set a date, time,  
777 and place for a hearing.

778 (c) Make a reasonable effort to obtain all relevant  
779 information, including information as to income and property of  
780 the parties.

781 (d) Within 10 days, exclusive of Saturdays, Sundays, and  
782 legal holidays, after receipt of a written notice from an  
783 initiating, responding, or registering tribunal, send a copy of  
784 the notice to the petitioner.

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785 (e) Within 10 days, exclusive of Saturdays, Sundays, and  
786 legal holidays, after receipt of a written communication from  
787 the respondent or the respondent's attorney, send a copy of the  
788 communication to the petitioner.

789 (f) Notify the petitioner if jurisdiction over the  
790 respondent cannot be obtained.

791 (3) A support enforcement agency of this state that  
792 requests registration of a child support order in this state for  
793 enforcement or for modification shall make reasonable efforts:

794 (a) To ensure that the order to be registered is the  
795 controlling order; or

796 (b) If two or more child support orders exist and the  
797 identity of the controlling order has not been determined, to  
798 ensure that a request for such a determination is made in a  
799 tribunal having jurisdiction to do so.

800 (4) A support enforcement agency of this state that  
801 requests registration and enforcement of a support order,  
802 arrears, or judgment stated in a foreign currency shall convert  
803 the amounts stated in the foreign currency into the equivalent  
804 amounts in dollars under the applicable official or market  
805 exchange rate as publicly reported.

806 (5) A support enforcement agency of this state shall issue  
807 or request a tribunal of this state to issue a child support  
808 order and an income-withholding order that redirect payment of  
809 current support, arrears, and interest if requested to do so by  
810 a support enforcement agency of another state pursuant to s.  
811 88.3191.

812 (6)~~(3)~~ This act does not create or negate a relationship

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of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency.

Section 23. Section 88.3081, Florida Statutes, is amended to read:

88.3081 Duty of Governor and Cabinet.—

(1) If the Governor and Cabinet determine that the support enforcement agency is neglecting or refusing to provide services to an individual, the Governor and Cabinet may order the agency to perform its duties under this act or may provide those services directly to the individual.

(2) The Governor and Cabinet may determine that a foreign country has established a reciprocal arrangement for child support with this state and take appropriate action for notification of the determination.

Section 24. Paragraph (c) of subsection (2) of section 88.3101, Florida Statutes, is amended to read:

88.3101 Duties of state information agency.—

(2) The state information agency shall:

(c) Forward to the appropriate tribunal in the place in this state in which the ~~individual~~ obligee who is an individual or the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under this act received from another state or a foreign country ~~an initiating tribunal or the state information agency of the initiating state.~~

Section 25. Subsection (1) of section 88.3111, Florida Statutes, is amended to read:

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88.3111 Pleadings and accompanying documents.—

(1) In a proceeding under this act, a petitioner seeking to establish ~~or modify~~ a support order, ~~or~~ to determine parentage of a child, or to register and modify a support order of a tribunal of another state or a foreign country in a ~~proceeding under this act~~ must file a ~~verify the~~ petition or comparable pleading. Unless otherwise ordered under s. 88.3121 ~~(nondisclosure of information in exceptional circumstances),~~ the petition or comparable pleading or the documents accompanying either the petition or comparable pleading must provide, so far as known, the name, residential address, and social security numbers of the obligor and the obligee or the parent and alleged parent, and the name, sex, residential address, social security number, and date of birth of each child for whose benefit ~~whom~~ support is sought or whose parentage is to be determined. Unless filed at the time of registration, the petition must be accompanied by a ~~certified~~ copy of any support order known to have been issued by another tribunal in effect. The petition may include any other information that may assist in locating or identifying the respondent.

Section 26. Section 88.3121, Florida Statutes, is amended to read:

88.3121 Nondisclosure of information in exceptional circumstances.—If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty of a party or child would be jeopardized by disclosure of specific identifying information, that information must be sealed and may not be disclosed to the other party or the public. After a hearing in

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869 which a tribunal takes into consideration the health, safety, or  
870 liberty of the party or child, the tribunal may order disclosure  
871 of information that the tribunal determines to be in the  
872 interest of justice ~~Upon a finding, which may be made ex parte,~~  
873 ~~that the health, safety, or liberty of a party or child would be~~  
874 ~~unreasonably put at risk by the disclosure of identifying~~  
875 ~~information, or if an existing order so provides, a tribunal~~  
876 ~~shall order that the address of the child or party or other~~  
877 ~~identifying information not be disclosed in a pleading or other~~  
878 ~~document filed in a proceeding under this act.~~

879 Section 27. Subsection (2) of section 88.3131, Florida  
880 Statutes, is amended to read:

881 88.3131 Costs and fees.—

882 (2) If an obligee prevails, a responding tribunal of this  
883 state may assess against an obligor filing fees, reasonable  
884 attorney's fees, other costs, and necessary travel and other  
885 reasonable expenses incurred by the obligee and the obligee's  
886 witnesses. The tribunal may not assess fees, costs, or expenses  
887 against the obligee or the support enforcement agency of either  
888 the initiating or the responding state or foreign country,  
889 except as provided by other law. Attorney's fees may be taxed as  
890 costs, and may be ordered paid directly to the attorney, who may  
891 enforce the order in the attorney's own name. Payment of support  
892 owed to the obligee has priority over fees, costs, and expenses.

893 Section 28. Subsections (1) and (3) of section 88.3141,  
894 Florida Statutes, are amended to read:

895 88.3141 Limited immunity of petitioner.—

896 (1) Participation by a petitioner in a proceeding under



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897 this act before a responding tribunal, whether in person, by  
898 private attorney, or through services provided by the support  
899 enforcement agency, does not confer personal jurisdiction over  
900 the petitioner in another proceeding.

901 (3) The immunity granted by this section does not extend  
902 to civil litigation based on acts unrelated to a proceeding  
903 under this act committed by a party while physically present in  
904 this state to participate in the proceeding.

905 Section 29. Section 88.3161, Florida Statutes, is amended  
906 to read:

907 88.3161 Special rules of evidence and procedure.—

908 (1) The physical presence of a nonresident party who is an  
909 individual ~~the petitioner~~ in a ~~responding~~ tribunal of this state  
910 is not required for the establishment, enforcement, or  
911 modification of a support order or the rendition of a judgment  
912 determining parentage of a child.

913 (2) ~~An A verified petition or other comparable pleading,~~  
914 affidavit, a document substantially complying with federally  
915 mandated forms, or ~~and~~ a document incorporated by reference in  
916 any of them, which would not be excluded under the hearsay rule  
917 if given in person, is admissible in evidence if given under  
918 penalty of perjury oath by a party or witness residing outside  
919 this ~~in another~~ state.

920 (3) A copy of the record of child support payments  
921 certified as a true copy of the original by the custodian of the  
922 record may be forwarded to a responding tribunal. The copy is  
923 evidence of facts asserted in it, and is admissible to show  
924 whether payments were made.

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925 (4) Copies of bills for testing for parentage of a child,  
926 and for prenatal and postnatal health care of the mother and  
927 child, furnished to the adverse party at least 10 days before  
928 trial, are admissible in evidence to prove the amount of the  
929 charges billed and that the charges were reasonable, necessary,  
930 and customary.

931 (5) Documentary evidence transmitted from outside this  
932 ~~another~~ state to a tribunal of this state by telephone,  
933 telecopier, or other electronic means that do not provide an  
934 original record ~~writing~~ may not be excluded from evidence on an  
935 objection based on the means of transmission.

936 (6) In a proceeding under this act, a tribunal of this  
937 state shall ~~may~~ permit a party or witness residing outside this  
938 ~~in another~~ state to be deposed or to testify by telephone,  
939 audiovisual means, or other electronic means at a designated  
940 tribunal or other location ~~in that state~~. A tribunal of this  
941 state shall cooperate with other tribunals ~~of other states~~ in  
942 designating an appropriate location for the deposition or  
943 testimony.

944 (7) If a party called to testify at a civil hearing  
945 refuses to answer on the ground that the testimony may be self-  
946 incriminating, the trier of fact may draw an adverse inference  
947 from the refusal.

948 (8) A privilege against disclosure of communications  
949 between spouses does not apply in a proceeding under this act.

950 (9) The defense of immunity based on the relationship of  
951 husband and wife or parent and child does not apply in a  
952 proceeding under this act.

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953        (10) A voluntary acknowledgment of paternity, certified as  
954 a true copy, is admissible to establish parentage of a child.

955        Section 30. Section 88.3171, Florida Statutes, is amended  
956 to read:

957        88.3171 Communications between tribunals.—A tribunal of  
958 this state may communicate with a tribunal outside this ~~of~~  
959 ~~another~~ state in a record writing, or by telephone, electronic  
960 mail, or other means, to obtain information concerning the laws  
961 of that state, the legal effect of a judgment, decree, or order  
962 of that tribunal, and the status of a proceeding ~~in the other~~  
963 ~~state~~. A tribunal of this state may furnish similar information  
964 by similar means to a tribunal outside this ~~of another~~ state.

965        Section 31. Section 88.3181, Florida Statutes, is amended  
966 to read:

967        88.3181 Assistance with discovery.—A tribunal of this  
968 state may:

969        (1) Request a tribunal outside this ~~of another~~ state to  
970 assist in obtaining discovery.

971        (2) Upon request, compel a person over which ~~whom~~ it has  
972 jurisdiction to respond to a discovery order issued by a  
973 tribunal outside this ~~of another~~ state.

974        Section 32. Section 88.3191, Florida Statutes, is amended  
975 to read:

976        88.3191 Receipt and disbursement of payments.—

977        (1) A support enforcement agency or tribunal of this state  
978 shall disburse promptly any amounts received pursuant to a  
979 support order, as directed by the order. The agency or tribunal  
980 shall furnish to a requesting party or tribunal of another state

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981 or a foreign country a certified statement by the custodian of  
982 the record of the amounts and dates of all payments received.

983 (2) If neither the obligor, nor the obligee who is an  
984 individual, nor the child resides in this state, upon request  
985 from the support enforcement agency of this state or another  
986 state, the support enforcement agency of this state or a  
987 tribunal of this state shall:

988 (a) Direct that the support payment be made to the support  
989 enforcement agency in the state in which the obligee is  
990 receiving services; and

991 (b) Issue and send to the obligor's employer a conforming  
992 income-withholding order or an administrative notice of change  
993 of payee, reflecting the redirected payments.

994 (3) The support enforcement agency of this state receiving  
995 redirected payments from another state pursuant to a law similar  
996 to subsection (2) shall furnish to a requesting party or  
997 tribunal of the other state a certified statement by the  
998 custodian of the record of the amount and dates of all payments  
999 received.

1000 Section 33. Section 88.4011, Florida Statutes, is amended  
1001 to read:

1002 88.4011 Establishment of ~~Petition to establish~~ support  
1003 order.—

1004 (1) If a support order entitled to recognition under this  
1005 act has not been issued, a responding tribunal of this state  
1006 with personal jurisdiction over the parties may issue a support  
1007 order if:

1008 (a) The individual seeking the order resides in another

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state; or

(b) The support enforcement agency seeking the order is located in another state.

(2) The tribunal may issue a temporary child support order if the tribunal determines that such an order is appropriate and the individual ordered to pay is:

(a) A presumed father of the child;

(b) Petitioning to have his paternity adjudicated;

(c) Identified as the father of the child through genetic testing;

(d) An alleged father who has declined to submit to genetic testing;

(e) Shown by clear and convincing evidence to be the father of the child;

(f) An acknowledged father as provided in s. 382.013, s. 382.016, or s. 742.10;

(g) The mother of the child; or

(h) An individual who has been ordered to pay child support in a previous proceeding and the order has not been reversed or vacated

~~(a) The respondent has signed a verified statement acknowledging parentage;~~

~~(b) The respondent has been determined by or pursuant to law to be the parent; or~~

~~(c) There is other clear and convincing evidence that the respondent is the child's parent.~~

(3) Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal

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shall issue a support order directed to the obligor and may issue other orders pursuant to s. 88.3051.

Section 34. The Division of Statutory Revision is directed to redesignate part V of chapter 88, Florida Statutes, as "ENFORCEMENT OF SUPPORT ORDER OF ANOTHER STATE WITHOUT REGISTRATION."

Section 35. Section 88.5011, Florida Statutes, is amended to read:

88.5011 Employer's receipt of income-withholding order of another state.—An income-withholding order issued in another state may be sent by or on behalf of the obligee, or by the support enforcement agency, to the person ~~or entity~~ defined as the obligor's employer under the income deduction law of this state or payor as defined by s. 61.046, without first filing a petition or comparable pleading or registering the order with a tribunal of this state.

Section 36. Paragraph (b) of subsection (3) of section 88.50211, Florida Statutes, is amended to read:

88.50211 Employer's compliance with income-withholding order of another state.—

(3) Except as otherwise provided by subsection (4) and s. 88.5031, the employer shall withhold and distribute the funds as directed in the withholding order by complying with the terms of the order which specify:

(b) The person ~~or agency~~ designated to receive payments and the address to which the payments are to be forwarded;

Section 37. Section 88.5031, Florida Statutes, is amended to read:

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1065           88.5031 Employer's compliance with two or more ~~multiple~~  
1066 income-withholding orders.—If the obligor's employer receives  
1067 two or more ~~multiple~~ income-withholding orders with respect to  
1068 the earnings of the same obligor, the employer satisfies the  
1069 terms of the ~~multiple~~ orders if the employer complies with the  
1070 law of the state of the obligor's principal place of employment  
1071 to establish the priorities for withholding and allocating  
1072 income withheld for two or more ~~multiple~~ child support obligees.

1073           Section 38. Section 88.5041, Florida Statutes, is amended  
1074 to read:

1075           88.5041 Immunity from civil liability.—An employer that  
1076 ~~who~~ complies with an income-withholding order issued in another  
1077 state in accordance with this article is not subject to civil  
1078 liability to an individual or agency with regard to the  
1079 employer's withholding of child support from the obligor's  
1080 income.

1081           Section 39. Section 88.5051, Florida Statutes, is amended  
1082 to read:

1083           88.5051 Penalties for noncompliance.—An employer that ~~who~~  
1084 willfully fails to comply with an income-withholding order  
1085 issued by another state and received for enforcement is subject  
1086 to the same penalties that may be imposed for noncompliance with  
1087 an order issued by a tribunal of this state.

1088           Section 40. Section 88.5061, Florida Statutes, is amended  
1089 to read:

1090           88.5061 Contest by obligor.—

1091           (1) An obligor may contest the validity or enforcement of  
1092 an income-withholding order issued in another state and received

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1093 directly by an employer in this state by registering the order  
1094 in a tribunal of this state and filing a contest to that order  
1095 as provided in part VI of this chapter, or otherwise contesting  
1096 the order in the same manner as if the order had been issued by  
1097 a tribunal of this state. ~~Section 88.6041, choice of law,~~  
1098 ~~applies to the contest.~~

1099 (2) The obligor shall give notice of the contest to:

1100 (a) A support enforcement agency providing services to the  
1101 obligee;

1102 (b) Each employer that has directly received an income-  
1103 withholding order relating to the obligor; and

1104 (c) The person ~~or agency~~ designated to receive payments in  
1105 the income-withholding order, or if no person ~~or agency~~ is  
1106 designated, to the obligee.

1107 Section 41. Subsection (1) of section 88.5071, Florida  
1108 Statutes, is amended to read:

1109 88.5071 Administrative enforcement of orders.—

1110 (1) A party or support enforcement agency seeking to  
1111 enforce a support order or an income-withholding order, or both,  
1112 issued in by a tribunal of another state or a foreign support  
1113 order may send the documents required for registering the order  
1114 to a support enforcement agency of this state.

1115 Section 42. (1) The Division of Statutory Revision is  
1116 directed to redesignate part VI of chapter 88, Florida Statutes,  
1117 as "REGISTRATION, ENFORCEMENT, AND MODIFICATION OF SUPPORT  
1118 ORDER."

1119 (2) The Division of Statutory Revision is directed to  
1120 divide part VI of chapter 88, Florida Statutes, into subpart A,



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1121 consisting of ss. 88.6011-88.6041, Florida Statutes, to be  
1122 entitled "Registration and Enforcement of Support Order;"  
1123 subpart B, consisting of ss. 88.6051-88.6081, Florida Statutes,  
1124 to be entitled "Contest of Validity or Enforcement;" subpart C,  
1125 consisting of ss. 88.6091-88.6141, Florida Statutes, to be  
1126 entitled "Registration and Modification of Child Support Order  
1127 of Another State;" and subpart D, consisting of ss. 88.6151 and  
1128 88.6161, Florida Statutes, to be entitled "Registration and  
1129 Modification of Foreign Child Support Order."

1130 Section 43. Section 88.6011, Florida Statutes, is amended  
1131 to read:

1132 88.6011 Registration of order for enforcement.—A support  
1133 order or an income-withholding order issued in ~~by a tribunal of~~  
1134 another state or a foreign support order may be registered in  
1135 this state for enforcement.

1136 Section 44. Section 88.6021, Florida Statutes, is amended  
1137 to read:

1138 88.6021 Procedure to register order for enforcement.—

1139 (1) Except as otherwise provided in s. 88.7061, a support  
1140 order or income-withholding order of another state or a foreign  
1141 support order may be registered in this state by sending the  
1142 following records ~~documents and information~~ to the appropriate  
1143 tribunal in this state:

1144 (a) A letter of transmittal to the tribunal requesting  
1145 registration and enforcement.

1146 (b) Two copies, including one certified copy, of the order  
1147 ~~all orders~~ to be registered, including any modification of the  
1148 ~~an~~ order.

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1149 (c) A sworn statement by the person requesting party  
1150 ~~seeking~~ registration or a certified statement by the custodian  
1151 of the records showing the amount of any arrearage.

1152 (d) The name of the obligor and, if known:

1153 1. The obligor's address and social security number.

1154 2. The name and address of the obligor's employer and any  
1155 other source of income of the obligor.

1156 3. A description and the location of property of the  
1157 obligor in this state not exempt from execution.

1158 (e) Except as otherwise provided in s. 88.3121, the name  
1159 and address of the obligee and, if applicable, the ~~agency or~~  
1160 person to whom support payments are to be remitted.

1161 (2) On receipt of a request for registration, the  
1162 registering tribunal shall cause the order to be filed as an  
1163 order of a tribunal of another state or a foreign support order  
1164 ~~a foreign judgment~~, together with one copy of the documents and  
1165 information, regardless of their form.

1166 (3) A petition or comparable pleading seeking a remedy  
1167 that must be affirmatively sought under other law of this state  
1168 may be filed at the same time as the request for registration or  
1169 later. The pleading must specify the grounds for the remedy  
1170 sought.

1171 (4) If two or more orders are in effect, the person  
1172 requesting registration shall:

1173 (a) Furnish to the tribunal a copy of every support order  
1174 asserted to be in effect in addition to the documents specified  
1175 in this section;

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1176 (b) Specify the order alleged to be the controlling order,  
1177 if any; and

1178 (c) Specify the amount of consolidated arrears, if any.

1179 (5) A request for a determination of which is the  
1180 controlling order may be filed separately or with a request for  
1181 registration and enforcement or for registration and  
1182 modification. The person requesting registration shall give  
1183 notice of the request to each party whose rights may be affected  
1184 by the determination.

1185 Section 45. Section 88.6031, Florida Statutes, is amended  
1186 to read:

1187 88.6031 Effect of registration for enforcement.—

1188 (1) A support order or income-withholding order issued in  
1189 another state or a foreign support order is registered when the  
1190 order is filed in the registering tribunal of this state.

1191 (2) A registered support order issued in another state or  
1192 a foreign country is enforceable in the same manner and is  
1193 subject to the same procedures as an order issued by a tribunal  
1194 of this state.

1195 (3) Except as otherwise provided in this act ~~article~~, a  
1196 tribunal of this state shall recognize and enforce, but may not  
1197 modify, a registered support order if the issuing tribunal had  
1198 jurisdiction.

1199 Section 46. Section 88.6041, Florida Statutes, is amended  
1200 to read:

1201 88.6041 Choice of law.—

1202 (1) Except as otherwise provided in subsection (4), the  
1203 law of the issuing state or foreign country governs:

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1204        (a) The nature, extent, amount, and duration of current  
1205 payments under a registered support order; ~~and other obligations~~  
1206 ~~of support and~~

1207        (b) The computation and payment of arrearages and accrual  
1208 of interest on the arrearages under the order; and

1209        (c) The existence and satisfaction of other obligations  
1210 under the support order.

1211        (2) In a proceeding for arrears under a registered support  
1212 order ~~arrearages~~, the statute of limitation ~~under the laws~~ of  
1213 this state or of the issuing state or foreign country, whichever  
1214 is longer, applies.

1215        (3) A responding tribunal of this state shall apply the  
1216 procedures and remedies of this state to enforce current support  
1217 and collect arrears and interest due on a support order of  
1218 another state or foreign country registered in this state.

1219        (4) After a tribunal of this or another state determines  
1220 which is the controlling order and issues an order consolidating  
1221 arrears, if any, a tribunal of this state shall prospectively  
1222 apply the law of the state or foreign country issuing the  
1223 controlling order, including its law on interest on arrears, on  
1224 current and future support, and on consolidated arrears.

1225        Section 47. Section 88.6051, Florida Statutes, is amended  
1226 to read:

1227        88.6051 Notice of registration of order.—

1228        (1) When a support order or income-withholding order  
1229 issued in another state or a foreign support order is  
1230 registered, the registering tribunal of this state shall notify  
1231 the nonregistering party. The notice must be accompanied by a

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copy of the registered order and the documents and relevant information accompanying the order.

(2) A ~~The~~ notice must inform the nonregistering party:

(a) That a registered order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this state.

(b) That a hearing to contest the validity or enforcement of the registered order must be requested within 20 days after the date of mailing or personal service of the notice, unless the registered order is under s. 88.7071.

(c) That failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages and precludes further contest of that order with respect to any matter that could have been asserted.

(d) Of the amount of any alleged arrearages.

(3) If the registering party asserts that two or more orders are in effect, a notice must also:

(a) Identify the two or more orders and the order alleged by the registering party to be the controlling order and the consolidated arrears, if any;

(b) Notify the nonregistering party of the right to a determination of which is the controlling order;

(c) State that the procedures provided in subsection (2) apply to the determination of which is the controlling order; and

(d) State that failure to contest the validity or enforcement of the order alleged to be the controlling order in

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1260 a timely manner may result in confirmation that the order is the  
1261 controlling order.

1262 ~~(4)(3)~~ Upon registration of an income-withholding order  
1263 for enforcement, the support enforcement agency or the  
1264 registering tribunal shall notify the obligor's employer  
1265 pursuant to chapter 61 or other income deduction law of this  
1266 state.

1267 Section 48. Subsections (1) and (2) of section 88.6061,  
1268 Florida Statutes, are amended to read:

1269 88.6061 Procedure to contest validity or enforcement of  
1270 registered order.—

1271 (1) A nonregistering party seeking to contest the validity  
1272 or enforcement of a registered order in this state shall request  
1273 a hearing within the time required by s. 88.6051 ~~20 days after~~  
1274 ~~notice of the registration.~~ The nonregistering party may seek to  
1275 vacate the registration, to assert any defense to an allegation  
1276 of noncompliance with the registered order, or to contest the  
1277 remedies being sought or the amount of any alleged arrearages  
1278 pursuant to s. 88.6071.

1279 (2) If the nonregistering party fails to contest the  
1280 validity or enforcement of the registered support order in a  
1281 timely manner, the order is confirmed by operation of law.

1282 Section 49. Section 88.6071, Florida Statutes, is amended  
1283 to read:

1284 88.6071 Contest of registration or enforcement.—

1285 (1) A party contesting the validity or enforcement of a  
1286 registered support order or seeking to vacate the registration  
1287 has the burden of proving one or more of the following defenses:

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1288 (a) The issuing tribunal lacked personal jurisdiction over  
1289 the contesting party;

1290 (b) The order was obtained by fraud;

1291 (c) The order has been vacated, suspended, or modified by  
1292 a later order;

1293 (d) The issuing tribunal has stayed the order pending  
1294 appeal;

1295 (e) There is a defense under the law of this state to the  
1296 remedy sought;

1297 (f) Full or partial payment has been made; ~~or~~

1298 (g) The statute of limitation under s. 88.6041 precludes  
1299 enforcement of some or all of the alleged arrearages; or

1300 (h) The alleged controlling order is not the controlling  
1301 order.

1302 (2) If a party presents evidence establishing a full or  
1303 partial defense under subsection (1), a tribunal may stay  
1304 enforcement of a ~~the~~ registered support order, continue the  
1305 proceeding to permit production of additional relevant evidence,  
1306 and issue other appropriate orders. An uncontested portion of  
1307 the registered support order may be enforced by all remedies  
1308 available under the law of this state.

1309 (3) If the contesting party does not establish a defense  
1310 under subsection (1) to the validity or enforcement of a  
1311 registered support ~~the~~ order, the registering tribunal shall  
1312 issue an order confirming the order.

1313 Section 50. Section 88.6081, Florida Statutes, is amended  
1314 to read:

1315 88.6081 Confirmed order.—Confirmation of a registered

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1316 support order, whether by operation of law or after notice and  
1317 hearing, precludes further contest of the order with respect to  
1318 any matter that could have been asserted at the time of  
1319 registration.

1320 Section 51. Section 88.6091, Florida Statutes, is amended  
1321 to read:

1322 88.6091 Procedure to register child support order of  
1323 another state for modification.—A party or support enforcement  
1324 agency seeking to modify, or to modify and enforce, a child  
1325 support order issued in another state shall register that order  
1326 in this state in the same manner provided in ss. 88.6011-88.6081  
1327 ~~88.6011-88.6041~~ if the order has not been registered. A petition  
1328 for modification may be filed at the same time as a request for  
1329 registration, or later. The pleading must specify the grounds  
1330 for modification.

1331 Section 52. Section 88.6111, Florida Statutes, is amended  
1332 to read:

1333 88.6111 Modification of child support order of another  
1334 state.—

1335 (1) If s. 88.6131 does not apply, upon petition, a  
1336 tribunal of this state may modify ~~After~~ a child support order  
1337 issued in another state which is ~~has been~~ registered in this  
1338 state, ~~the responding tribunal of this state may modify that~~  
1339 ~~order only if, s. 88.6131 does not apply and~~ after notice and  
1340 hearing, the tribunal ~~it~~ finds that:

1341 (a) The following requirements are met:

1342 1. Neither the child, nor the ~~individual~~ obligee who is an  
1343 individual, nor ~~and~~ the obligor resides ~~do not reside~~ in the



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issuing state;

2. A petitioner who is a nonresident of this state seeks modification; and

3. The respondent is subject to the personal jurisdiction of the tribunal of this state; or

(b) This state is the state of residence of the child, or a party who is an individual, is subject to the personal jurisdiction of the tribunal of this state and all of the parties who are individuals have filed ~~written~~ consents in a record in the issuing tribunal for a tribunal of this state to modify the support order and assume continuing exclusive jurisdiction ~~over the order. However, if the issuing state is a foreign jurisdiction that has not enacted a law or established procedures substantially similar to the procedures under this act, the consent otherwise required of an individual residing in this state is not required for the tribunal to assume jurisdiction to modify the child support order.~~

(2) Modification of a registered child support order is subject to the same requirements, procedures, and defenses that apply to the modification of an order issued by a tribunal of this state and the order may be enforced and satisfied in the same manner.

(3) A tribunal of this state may not modify any aspect of a child support order that may not be modified under the law of the issuing state, including the duration of the obligation of support. If two or more tribunals have issued child support orders for the same obligor and same child, the order that controls and must be so recognized under s. 88.2071 establishes

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the aspects of the support order which are nonmodifiable.

(4) In a proceeding to modify a child support order, the law of the state that is determined to have issued the initial controlling order governs the duration of the obligation of support. The obligor's fulfillment of the duty of support established by that order precludes imposition of a further obligation of support by a tribunal of this state.

(5)~~(4)~~ On issuance of an order by a tribunal of this state modifying a child support order issued in another state, the ~~a~~ tribunal of this state becomes the tribunal of continuing exclusive jurisdiction.

(6) Notwithstanding subsections (1)-(5) and s. 88.2011(2), a tribunal of this state retains jurisdiction to modify an order issued by a tribunal of this state if:

(a) One party resides in another state; and

(b) The other party resides outside the United States.

Section 53. Section 88.6121, Florida Statutes, is amended to read:

88.6121 Recognition of order modified in another state.—If a child support order issued by a tribunal of this state is modified ~~shall recognize a modification of its earlier child support order~~ by a tribunal of another state which assumed jurisdiction pursuant to the Uniform Interstate Family Support Act, a tribunal of this state ~~this act or a law substantially similar to this act and, upon request, except as otherwise provided in this act, shall:~~

(1) May enforce the order that was modified only as to arrears and interest ~~amounts~~ accruing before the modification.

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~~(2) Enforce only nonmodifiable aspects of that order.~~

(2)(3) May provide ~~other~~ appropriate relief ~~only~~ for violations of its ~~that~~ order which occurred before the effective date of the modification.

(3)(4) Shall recognize the modifying order of the other state, upon registration, for the purpose of enforcement.

Section 54. Section 88.6151, Florida Statutes, is created to read:

88.6151 Jurisdiction to modify child support order of foreign county.—

(1) Except as otherwise provided in s. 88.7111, if a foreign country lacks or refuses to exercise jurisdiction to modify its child support order pursuant to its laws, a tribunal of this state may assume jurisdiction to modify the child support order and bind all individuals subject to the personal jurisdiction of the tribunal whether the consent to modification of a child support order otherwise required of the individual pursuant to s. 88.6111 has been given or whether the individual seeking modification is a resident of this state or of the foreign country.

(2) An order issued by a tribunal of this state modifying a foreign child support order pursuant to this section is the controlling order.

Section 55. Section 88.6161, Florida Statutes, is created to read:

88.6161 Procedure to register child support order of foreign country for modification.—A party or support enforcement agency seeking to modify, or to modify and enforce, a foreign

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child support order not under the convention may register that order in this state under ss. 88.6011-88.6081 if the order has not been registered. A petition for modification may be filed at the same time as a request for registration, or at another time. The petition must specify the grounds for modification.

Section 56. The Division of Statutory Revision is directed to redesignate part VII of chapter 88, Florida Statutes, as "SUPPORT PROCEEDING UNDER CONVENTION."

Section 57. Section 88.7011, Florida Statutes, is repealed.

Section 58. Section 88.70111, Florida Statutes, is created to read:

88.70111 Definitions.—As used in this part, the term:

(1) "Application" means a request under the convention by an obligee or obligor, or on behalf of a child, made through a central authority for assistance from another central authority.

(2) "Central authority" means the entity designated by the United States or a foreign country described in s. 88.102(5)(d) to perform the functions specified in the convention.

(3) "Convention support order" means a support order of a tribunal of a foreign country described in s. 88.102(5)(d).

(4) "Direct request" means a petition filed by an individual in a tribunal of this state in a proceeding involving an obligee, obligor, or child residing outside the United States.

(5) "Foreign central authority" means the entity designated by a foreign country described in s. 88.102(5)(d) to perform the functions specified in the convention.

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(6) "Foreign support agreement":

(a) Means an agreement for support in a record that:

1. Is enforceable as a support order in the country of origin;

2. Has been:

a. Formally drawn up or registered as an authentic instrument by a foreign tribunal; or

b. Authenticated by or concluded, registered, or filed with a foreign tribunal; and

3. May be reviewed and modified by a foreign tribunal; and

(b) Includes a maintenance arrangement or authentic instrument under the convention.

(7) "United States central authority" means the Secretary of the United States Department of Health and Human Services.

Section 59. Section 88.7021, Florida Statutes, is created to read:

88.7021 Applicability.—This part applies only to a support proceeding under the convention. In such a proceeding, if a provision of this part is inconsistent with parts I through VI, this part controls.

Section 60. Section 88.7031, Florida Statutes, is created to read:

88.7031 Relationship of Department of Revenue to United States central authority.—The Department of Revenue is recognized as the agency designated by the United States central authority to perform specific functions under the convention.

Section 61. Section 88.7041, Florida Statutes, is created to read:

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1484 88.7041 Initiation by Department of Revenue of support  
1485 proceeding subject to convention.—

1486 (1) In a proceeding subject to the convention, the  
1487 Department of Revenue shall:

1488 (a) Transmit and receive applications; and

1489 (b) Initiate or facilitate the institution of a proceeding  
1490 regarding an application in a tribunal of this state.

1491 (2) The following support proceedings are available to an  
1492 obligee under the convention:

1493 (a) Recognition or recognition and enforcement of a  
1494 foreign support order.

1495 (b) Enforcement of a support order issued or recognized in  
1496 this state.

1497 (c) Establishment of a support order if there is no  
1498 existing order, including, where necessary, determination of  
1499 parentage.

1500 (d) Establishment of a support order if recognition of a  
1501 foreign support order is not possible or is refused because of  
1502 the lack of a basis for recognition and enforcement under s.  
1503 88.7081 or on grounds specified in s. 88.7091(2) or s.  
1504 88.7091(5).

1505 (e) Modification of a support order made by a tribunal of  
1506 this state.

1507 (f) Modification of a foreign support order.

1508 (3) The following support proceedings are available under  
1509 the convention to an obligor against whom there is an existing  
1510 support order:

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1511 (a) Recognition of an order suspending or limiting  
1512 enforcement of an existing support order of a tribunal of this  
1513 state.

1514 (b) Modification of a support order of a tribunal of this  
1515 state.

1516 (c) Modification of a support order of a tribunal of  
1517 another state or foreign country.

1518 (4) A tribunal of this state may not require security,  
1519 bond, or deposit, however described, to guarantee the payment of  
1520 costs and expenses in proceedings under the convention.

1521 Section 62. Section 88.7051, Florida Statutes, is created  
1522 to read:

1523 88.7051 Direct request.—

1524 (1) A petitioner may file a direct request in a tribunal  
1525 of this state seeking the establishment or modification of a  
1526 support order or determination of parentage. In such a  
1527 proceeding, the law of this state applies.

1528 (2) A petitioner may file a direct request in a tribunal  
1529 of this state seeking the recognition and enforcement of a  
1530 support order or support agreement. In such a proceeding, the  
1531 provisions of ss. 88.7061-88.7121 apply.

1532 (3) In a direct request for recognition and enforcement of  
1533 a foreign support order or agreement:

1534 (a) No security, bond, or deposit shall be required to  
1535 guarantee the payment of costs and expenses related to the  
1536 proceedings; and

1537 (b) The obligee or obligor, who in the issuing country has  
1538 benefited from free legal assistance, shall be entitled to

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benefit, at least to the same extent, from any free legal assistance provided for by the law of this state under the same circumstances.

(4) An individual filing directly to a tribunal will not receive assistance from the Department of Revenue.

(5) Nothing in this part prevents the application of laws of this state that provide simplified, more expeditious rules regarding a direct request for recognition and enforcement of a foreign support order or support agreement.

Section 63. Section 88.7061, Florida Statutes, is created to read:

88.7061 Registration of support order subject to convention.—

(1) Except as otherwise provided in this part, a party who is an individual or a support enforcement agency seeking recognition of a foreign support order subject to the convention shall register the order in this state as provided in part VI of this chapter.

(2) Notwithstanding ss. 88.3111 and 88.6021, a request for registration of a foreign support order subject to the convention shall be accompanied by the following:

(a) A complete text of the support order, or an abstract or extract of the support order drawn up by the issuing foreign tribunal, which may be in the form recommended by the Hague Conference on Private International Law.

(b) A record stating that the support order is enforceable in the issuing country.



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1566        (c) If the respondent did not appear and was not  
1567 represented in the proceedings in the issuing country, a record  
1568 attesting, as appropriate, either that the respondent had proper  
1569 notice of the proceedings and an opportunity to be heard, or  
1570 that the respondent had proper notice of the support order and  
1571 the opportunity to challenge or appeal it on fact and law.

1572        (d) If necessary, a record showing the amount of any  
1573 arrears, and the date the amount was calculated.

1574        (e) If necessary, a record showing a requirement for  
1575 automatic adjustment of the amount of support, if any, and the  
1576 information necessary to make the appropriate calculations.

1577        (f) If necessary, a record showing the extent to which the  
1578 applicant received free legal assistance in the issuing country.

1579        (3) A request for registration of a foreign support order  
1580 may seek recognition and partial enforcement of the order.

1581        (4) A tribunal of this state may refuse to register a  
1582 foreign support order only if recognition and enforcement of the  
1583 order is manifestly incompatible with public policy.

1584        (5) The tribunal shall promptly notify the parties of the  
1585 registration or the refusal to register a foreign support order.

1586        Section 64. Section 88.7071, Florida Statutes, is created  
1587 to read:

1588        88.7071 Contest of validity of foreign support order  
1589 subject to convention.—

1590        (1) Except as otherwise provided in this part, ss.  
1591 88.6051-88.6081 apply to a contest of the validity of a  
1592 registered foreign support order subject to the convention.

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1593        (2) A party contesting the recognition and enforcement of  
1594 a registered foreign support order subject to the convention  
1595 must file a contest within 30 days after notice of the  
1596 registration unless the contesting party does not reside in the  
1597 United States or a state, in which case the contest must be  
1598 filed within 60 days after notice.

1599        (3) A contest of a registered foreign support order may be  
1600 based only on:

1601        (a) The authenticity or integrity of any record  
1602 transmitted in accordance with s. 88.7061;

1603        (b) The lack of a basis for enforcement under s. 88.7081;

1604        (c) The grounds for refusing enforcement under s. 88.7091;  
1605 or

1606        (d) The payment in part or in whole of the alleged  
1607 arrears.

1608        (4) In a contest of the validity of a registered foreign  
1609 support order, a tribunal of this state:

1610        (a) Is bound by the findings of fact on which the foreign  
1611 tribunal based its jurisdiction; and

1612        (b) May not review the merits of the support order.

1613        (5) A tribunal of this state deciding a contest of the  
1614 validity of a registered foreign support order shall promptly  
1615 notify the parties of its decision.

1616        (6) An appeal, if any, does not stay the enforcement of a  
1617 foreign support order unless there are exceptional  
1618 circumstances.

1619        Section 65. Section 88.7081, Florida Statutes, is created  
1620 to read:

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1621 88.7081 Recognition and enforcement of foreign support  
1622 order subject to convention.—

1623 (1) A tribunal of this state shall recognize and enforce a  
1624 foreign support order subject to the convention if:

1625 (a) The issuing tribunal had personal jurisdiction  
1626 consistent with s. 88.2011; and

1627 (b) The order is enforceable in the issuing country.

1628 (2) If a tribunal of this state may not recognize a  
1629 foreign support order because under similar facts the tribunal  
1630 would not have had personal jurisdiction consistent with s.  
1631 88.2011:

1632 (a) The tribunal must allow a reasonable time for a party  
1633 to request the tribunal to establish a support order;

1634 (b) The tribunal may not use its refusal to recognize the  
1635 foreign support order as a basis for dismissing the request;

1636 (c) The Department of Revenue shall take all appropriate  
1637 measures to request a child support order for the obligee if the  
1638 application for recognition and enforcement was received under  
1639 s. 88.7041(1).

1640 (3) If a tribunal of this state may not recognize and  
1641 enforce the whole of a foreign support order, it shall enforce  
1642 any severable part of the order. An application or direct  
1643 request may seek recognition and partial enforcement of a  
1644 foreign support order.

1645 Section 66. Section 88.7091, Florida Statutes, is created  
1646 to read:

1647 88.7091 Refusal of recognition and enforcement of foreign  
1648 support order subject to convention.—A tribunal of this state

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1649 may refuse recognition and enforcement of a foreign support  
1650 order subject to the convention if:

1651 (1) Recognition and enforcement of the order is manifestly  
1652 incompatible with public policy;

1653 (2) The order was obtained by fraud in connection with a  
1654 matter of procedure;

1655 (3) A proceeding between the same parties and having the  
1656 same purpose is pending before a tribunal of this state and that  
1657 proceeding was the first to be instituted;

1658 (4) The order is incompatible with a more recent support  
1659 order issued between the same parties and having the same  
1660 purpose if the more recent support order is entitled to  
1661 recognition and enforcement in this state;

1662 (5) In a case in which the respondent neither appeared nor  
1663 was represented in the proceeding in the issuing foreign country  
1664 when the law of the country:

1665 (a) Provides for notice of proceedings, the respondent did  
1666 not have proper notice of the proceedings and an opportunity to  
1667 be heard; or

1668 (b) Does not provide for notice of the proceedings, the  
1669 respondent did not have proper notice of the order and the  
1670 opportunity to challenge or appeal it on fact and law; or

1671 (6) The order was made in violation of s. 88.7111.

1672 Section 67. Section 88.7101, Florida Statutes, is created  
1673 to read:

1674 88.7101 Foreign support agreement subject to convention.-

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1675       (1) Except as provided in subsections (3) and (4), a  
1676 tribunal of this state shall recognize and enforce a foreign  
1677 support agreement registered in this state.

1678       (2) An application or direct request for recognition and  
1679 enforcement of a foreign support agreement shall be accompanied  
1680 by the following:

1681           (a) A complete text of the foreign support agreement.

1682           (b) A record stating that the foreign support agreement is  
1683 enforceable as a decision in the issuing country.

1684       (3) A tribunal of this state may refuse to register a  
1685 foreign support agreement only if registration is manifestly  
1686 incompatible with public policy.

1687       (4) A tribunal of this state may refuse recognition and  
1688 enforcement of a foreign support agreement if it finds:

1689           (a) Recognition and enforcement of the agreement is  
1690 manifestly incompatible with public policy;

1691           (b) The agreement was obtained by fraud or falsification;

1692           (c) The agreement is incompatible with a support order  
1693 issued between the same parties and having the same purpose,  
1694 either in this state, another state, or a foreign country if the  
1695 support order is entitled to recognition in this state; or

1696           (d) The record submitted under subsection (2) lacks  
1697 authenticity or integrity.

1698       (5) A proceeding for recognition and enforcement of a  
1699 foreign support agreement shall be suspended during the pendency  
1700 of a challenge to the agreement before a tribunal of another  
1701 state or foreign country.

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Section 68. Section 88.7111, Florida Statutes, is created to read:

88.7111 Modification of foreign child support order subject to convention.—

(1) A tribunal of this state may not modify a foreign child support order if the obligee remains a resident of the foreign country where the support order was issued unless:

(a) The obligee submits to the jurisdiction of a tribunal of this state, either expressly or by defending on the merits of the case without objecting to the jurisdiction at the first available opportunity; or

(b) The foreign tribunal lacks or refuses to exercise jurisdiction to modify its support order or issue a new support order.

(2) If a tribunal of this state does not modify the foreign child support order because the order may not be recognized in this state, the provisions of s. 88.7081 apply.

Section 69. Section 88.7121, Florida Statutes, is created to read:

88.7121 Jurisdiction to modify spousal support order of foreign country.—A tribunal of this state with personal jurisdiction over the parties may modify a spousal support order of a foreign tribunal if:

(1) The foreign tribunal lacks or refuses to exercise jurisdiction to modify its order pursuant to its laws;

(2) There is agreement in writing between the parties to the jurisdiction of the tribunal of this state; or

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1729       (3) The parties submit to the jurisdiction of the tribunal  
1730 of this state expressly or by defending on the merits without  
1731 objecting.

1732       Section 70. Paragraph (b) of subsection (2) of section  
1733 88.8011, Florida Statutes, is amended to read:

1734       88.8011 Grounds for rendition.—

1735       (2) The Governor of this state may:

1736       (b) On the demand of ~~by~~ the Governor of another state,  
1737 surrender an individual found in this state who is charged  
1738 criminally in the other state with having failed to provide for  
1739 the support of an obligee.

1740       Section 71. Section 88.9011, Florida Statutes, is amended  
1741 to read:

1742       88.9011 Uniformity of application and construction.—In  
1743 applying and construing this uniform act, consideration must be  
1744 given to the need to promote uniformity of ~~This act shall be~~  
1745 ~~applied and construed to effectuate its general purpose to make~~  
1746 ~~uniform~~ the law with respect to its ~~the~~ subject matter ~~of this~~  
1747 ~~act~~ among states that enact ~~enacting~~ it.

1748       Section 72. Section 88.9031, Florida Statutes, is amended  
1749 to read:

1750       88.9031 Severability ~~clause~~.—If any provision of this act  
1751 or its application to any person or circumstance is held  
1752 invalid, the invalidity does not affect other provisions or  
1753 applications of this act which can be given effect without the  
1754 invalid provision or application, and to this end the provisions  
1755 of this act are severable.

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1756           Section 73. Paragraph (a) of subsection (7) of section  
1757 61.13, Florida Statutes, is amended to read:

1758           61.13 Support of children; parenting and time-sharing;  
1759 powers of court.—

1760           (7)(a) Each party to any paternity or support proceeding  
1761 is required to file with the tribunal as defined in s.  
1762 88.1011~~(22)~~ and State Case Registry upon entry of an order, and  
1763 to update as appropriate, information on location and identity  
1764 of the party, including social security number, residential and  
1765 mailing addresses, telephone number, driver's license number,  
1766 and name, address, and telephone number of employer. Each party  
1767 to any paternity or child support proceeding in a non-Title IV-D  
1768 case shall meet the above requirements for updating the tribunal  
1769 and State Case Registry.

1770           Section 74. Paragraph (b) of subsection (5) of section  
1771 827.06, Florida Statutes, is amended to read:

1772           827.06 Nonsupport of dependents.—

1773           (5)

1774           (b) The element of knowledge may be proven by evidence  
1775 that a court or tribunal as defined by s. 88.1011~~(22)~~ has  
1776 entered an order that obligates the defendant to provide the  
1777 support.

1778           Section 75. This act shall take effect July 1, 2011.